

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOSEPH KOLODZIEJ, et al.,

Plaintiffs,

v.

ORDER  
08-CV-251A

KRISTYN GOSCIAK, et al.,

Defendants.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On May 7, 2008, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendant Citigroup Global Markets, Inc.'s motion to dismiss plaintiffs' complaint in favor of arbitration, be granted in part and denied in part.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendant Citigroup Global Markets, Inc.'s motion to dismiss plaintiffs' complaint in favor of arbitration, is granted in part and denied in part.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: May 30 , 2008